



## *The Village of Biscayne Park*

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Regular Virtual Commission Meeting**

**Meeting ID: 98797867533**

**Tuesday, December 01, 2020 at 7:00 pm**

**1 Call to Order**

Vice-Mayor Kennedy

**2 Roll Call**

Mayor O'Halpin - absent

Vice Mayor Kennedy - present

Commissioner Gonzalez - present

Commissioner Hamelburg - present

Commissioner Samaria - present

Staff present:

Village Attorney Ed Dion / Valerie Vicente

Village Manager Mario Diaz

Recordings: Cesar Hernandez

**3 Pledge of Allegiance**

**4 Additions, Deletions or Withdrawals to the Agenda**

Village Manager requested to move Item 5.c - Vice-Mayor nomination to next item.

Village Manager requested to combine Item 15 - Reports with Item 8 -  
Information/Updates

**Commission approved the changes by consensus.**

**5 Presentations**

**5.c Vice-Mayor nomination**

Commissioner Samaria motioned to approve the nomination of Vice-Mayor Arturo Gonzalez. Commissioner Hamelburg seconded. **Motion passed 4 - 0.**

**5.a Oath of Office - Mario Diaz, Village Manager**

**5.b Proclamation - Heritage Month**

**5.d 2021 Calendar of Commission Meetings**

Commission Samaria motioned to approve calendar of scheduled Commission meetings for the year 2021. Vice-Mayor Gonzalez seconded.

**Motion passed 4 - 0.**

**5 Public Comments Related to Agenda Items / Good & Welfare**

The following persons spoke on the records:

David Raymond  
Bob Anderson  
Janey Anderson  
Rox Ross  
Gage Hartung  
Linda Dillon  
Chuck Ross  
Fred Jonas  
Matthew Bracher

**9 Consent Agenda**

**9.a Acceptance of Commission Minutes**

- First Budget Hearing FY 2020-2021 Minutes 09 08 2020 Revised
- Special Commission Meeting Minutes 09 29 2020 Revised
- Regular Commission Meeting Minutes 10 06 2020
- Special Commission Meeting Minutes 10 28 2020
- Special Commission Meeting Minutes - Village Manager Selection - Interviews 11 04 2020
- Special Commission Meeting Minutes - Village Manager Selection - Interviews (Continuation) 11 05 2020
- Special Commission Meeting Minutes - Village Manager Selection 11 06 2020
- Special Commission Meeting Minutes - Village Manager Agreement 11 10 2020
- Special Commission Meeting Minutes - Variance Hearing 11 10 2020

**9.b Acceptance of Board Minutes**

Parks & Parkway Advisory Board Minutes 02 20 2020  
Parks & Parkway Advisory Board Minutes 08 03 2020

**9.c Resolution 2020-63 - MOA with Office of the State Attorney for the 11th Judicial Court**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT COURT OF FLORIDA TO REIMBURSE THE STATE ATTORNEY'S OFFICE FOR THE COST OF STATE PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Consent Agenda. Commissioner Kennedy seconded. **Motion passed 4 -0.**

**10 Ordinances**

**10.a Ordinance 2020-06 - Board Members Alternates - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 2-30 "GENERAL RULES AND POLICIES" OF ARTICLE III "COMMISSIONS, BOARDS AND COMMITTEES" OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, PROVIDING THAT ALTERNATE MEMBERS OF BOARDS OR COMMITTEES SHALL HAVE THE SAME POWERS AS REGULAR MEMBERS IN THE EVENT OF AN ABSENCE OR CONFLICT OF INTEREST INVOLVING A REGULAR MEMBER OF THE BOARD OR COMMITTEE WHICH MAKES THEM UNABLE TO PARTICIPATE IN A MEETING; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

***The following persons spoke on the records:***

Bob Anderson

Aleksandr Bernhard

Commissioner Samaria motioned to approve Ordinance 2020-06 on First Reading as ammended. Commissioner Hamelburg seconded.

Commission voted as follows:

Vice-Mayor Gonzalez - Yes

Commissioner Samaria - Yes

Commissioner Hamelburg - Yes

Commissioner Kennedy - Yes

**Motion passed 4 - 0.**

**10.b Ordinance 2020-07 - Construction Sites - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING A NEW CHAPTER XX OF THE BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "CONSTRUCTION" RELATING TO LIMITATIONS ON CONSTRUCTION AND CONSTRUCTION RELATED ACTIVITIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESPONSIBILITIES FOR SECURITY AND MAINTENANCE; PROVIDING FOR PERMITTED DAYS AND HOURS OF WORK; PROVIDING FOR FENCING REQUIREMENTS; PROVIDING FOR CONSTRUCTION DUMPSTER REQUIREMENTS; PROVIDING FOR REQUIREMENTS DURING WEATHER EMERGENCIES; PROVIDING FOR TEMPORARY TOILET REQUIREMENTS; PROVIDING FOR LIMITATIONS ON PARKING OF CONSTRUCTION VEHICLES; PROVIDING FOR BOND REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; DELETING SECTIONS 10.4.8. AND 10.4.10 of the Biscayne Park Land Development Code; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

***The following persons spoke on the records:***

Bob Anderson

Commissioner Kennedy motioned to approve Ordinance 2020-07 on First Reading as amended. Commissioner Hamelburg seconded.

Commission voted as follows:

Vice-Mayor Gonzalez - Yes

Commissioner Samaria - Yes

Commissioner Hamelburg - Yes

Commissioner Kennedy - Yes

**Motion passed 4 - 0.**

**11 Resolutions**

**11.a Resolution 2020-64 - Landscape Maintenance NE 6th Ave**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RENEWAL FOR THE TURF AND LANDSCAPE MAINTENANCE JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BISCAYNE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria moved to approve Resolution 2020-64. Commissioner Hamelburg seconded.

Commission voted as follows:

Vice-Mayor Gonzalez - Yes

Commissioner Samaria - Yes

Commissioner Hamelburg - Yes

Commissioner Kennedy - Yes

**Motion passed 4 - 0.**

**12 Old Business**

**12.a FAA Flight Path - by Ed Dion, Village Attorney**

Commissioner Samaria motioned to authorize the Village Manager to expend \$ 2,000.00 for Village Attorney file a petition on behalf of the Village of Biscayne Park. Commissioner Kennedy seconded. **Motion passed 4 - 0.**

**13 New Business**

**13.a Replying to Residents - by Vice-Mayor Art Gonzalez**

Vice-Mayor Gonzalez motioned approve the insertion of Commission Reply to Citizens Comments after the agenda item Public Comments with (3) three minutes for each Commissioner.

Commissioner Hamelburg seconded. **Motion passed 4 - 0.**

**13.b Paperless Agenda Items - by Commissioner Kennedy**

Commissioner Kennedy motioned to establish paperless agenda to the Commission meetings. Vice-Mayor Gonzalez seconded.

Commission voted as follows:

Vice-Mayor Gonzalez - Yes

Commissioner Samaria - No

Commissioner Hamelburg - No

Commissioner Kennedy - Yes

**Motion failed 2 - 2.**

**13.c Discussion on Goals and Priorities - New Commission and New Village Manager - by**

**13.d Goals for Village Manager - by Commissioner Kennedy**

**13.e Use of Attorney's time by Commissioners - by Commissioner Hamelburg**

Commissioner Kennedy motioned to extend the meeting to 11:30 pm. Commissioner Samaria seconded. Commission approved by consensus.

**14 Request for placement of items on next meeting agenda**

*Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.*

**14.a Commissioner Kennedy requested to add the following items to the agenda of next Commission meeting:**

- Holiday Decorations
- Tree Grant

**15 Reports**

**14.a Village Attorney**

**14.b Village Manager**

**14.c Board / Committee Reports**

**14.d Commission**

- Mayor O'Halpin
- Vice Mayor Gonzalez
- Commissioner Hamelburg
- Commissioner Kennedy
- Commissioner Samaria

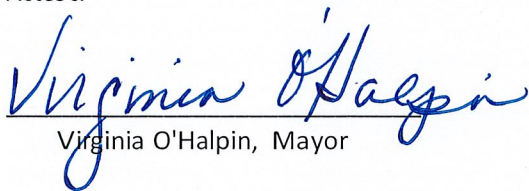
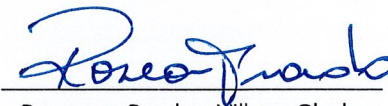
**16 Adjournment**

Commissioner Samaria motioned to adjourn. Vice-Mayor Gonzalez seconded.

Meeting adjourned at 10:14 pm

Commission approved on Regular Commission Meeting of January 5, 2021.

Attest:

	
Virginia O'Halpin, Mayor	Roseann Prado, Village Clerk